

Staff Report Memo



To: Mayor and Council	From: Mike Johnson, CED Director
Date: January 4, 2022	
Re: Racquet Club Circle – Amended Permit Parking Petition	
Meeting Requested:	Business Meeting <input type="checkbox"/> Work Session <input checked="" type="checkbox"/> Other <input type="checkbox"/> _____
Public Hearing Needed?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Undetermined <input type="checkbox"/>
CM Approval or Denial	Denied <input type="checkbox"/> Approved <input type="checkbox"/> Continued <input type="checkbox"/> CM Signature: _____

REQUEST / BACKGROUND

Review, discussion, and public hearing regarding an amended resident petition requesting a permit parking area along Racquet Club Circle and Racquet Club Drive. A petition was originally received by city staff in November 2021. City staff found that the original area did not meet the ordinance criteria for considering a permit area. The petitioner withdrew his initial request and resubmitted an amended petition with an expanded area.

The original proposed area (primarily Racquet Club Circle) included approximately 615 linear feet, adjacent to 8 existing properties. The amended petition includes the entire previous area, plus an additional 711 linear feet along the west side of Racquet Club Drive, affected an additional 10 parcels. The petition does not include the east side of Racquet Club Drive. In total, the updated proposal encompasses approximately 1326 linear feet, adjacent to 18 parcels (see attached petition map).

The petitioners' rationale for the parking area has not been updated and is to preserve the safety and integrity of the neighborhood in response to the ongoing and future development at Canyon Centre leading to parking and traffic concerns along Racquet Club Drive and Racquet Club Circle. No additional specific rationale was provided for the added Racquet Club Drive area.

PETITION

Pursuant to city ordinance 11.22 (Parking Permit Program), city staff has received a completed petition from a city resident, as well as signatures by affected parcel owners, requesting the permit parking area described above. The petitioner has followed required steps to submit a complete petition for Council consideration. The petition will be presented for discussion and public hearing at the January 4th Council meeting. A final decision on the petition is required by ordinance within 30 days of the public hearing.

AREA DESIGNATION CRITERIA & AUTHORITY

To be eligible for permit parking, the petitioner is required to demonstrate the following criteria:

1. After proper evaluation, it must be reasonably concluded that the qualified area is adversely affected by commuter vehicles (i.e., vehicles not under control of an area resident or business) for "any extended period(s) during the day or night, on weekends or holidays."

Staff Analysis – Racquet Club Drive, especially on the east side, experiences a high volume of commuter vehicle parking. It is unclear from the petition whether the west side of Racquet Club Drive consists primarily of commuter vehicles, and the petitioner has not provided data to

demonstrate the frequency and extent of commuter vehicle parking. There is no evidence that Racquet Club Circle currently experiences any commuter vehicle parking issues.

2. In determining the adverse effects upon the area, the following factors must be considered:
 - a. The extent of the desire and perception of need by residents for permit parking as evidenced by receipt of petitions.
Staff Analysis – The updated parking area impacts 18 parcels. Supporting signatures from at least 51% of affected residents is required for the petition to be considered by the Council. The petition contains signatures from 11 parcel owners (61%).
 - b. The extent to which legal on-street parking spaces are occupied by motor vehicles during any given time.
Staff Analysis – Based on the petition, it is unclear the extent to which the entire proposed area experiences an issue with on-street parking. It is likely that most commuter vehicle parking issues affect the far southern portion of the proposed area along Racquet Club Drive (closest to nearby commercial properties like Alpha Coffee and Porcupine Bar and Grill). There is no evidence of an existing issue with on-street parking in Racquet Club Circle.
 - c. The extent to which vehicles parking in the area during the period proposed for parking regulations are commuter vehicles rather than resident vehicles.
Staff Analysis – For years, commuter vehicles have parked daily along the east side of Racquet Club Drive, which is not included in the proposed permit parking area. However, there does not appear to be an existing issue of commuter vehicle parking in Racquet Club Circle, and while commuter vehicles may be present on the west side of Racquet Club Drive, the petition does not provide adequate justification on the frequency and extent of commuter vehicle parking throughout the area.
3. The following criteria must also be justified:
 - a. A major portion of the parking capacity is generally occupied.
Staff Analysis – This has not been justified for the entire permit parking area.
 - b. Occupancy continues for any consecutive four-hour period, and such occurs on average of 4 days per week.
Staff Analysis – This has not been justified for the entire permit parking area.
 - c. Twenty-five percent of on-street vehicles are commuter vehicles.
Staff Analysis – While true outside of the proposed permit area, this has not been clearly demonstrated within the entire petition area.
 - d. Requesting area consists of curb spacing fronting at least two continuous residences.
Staff Analysis – The request satisfies this requirement.

Community & Economic Development staff consulted with the Police Department during preparation of this report. CHPD's full response is attached but is opposed to the approval of a permit parking program on public streets, stating in part, "an individual citizen has no 'ownership' rights to a parking space on a public street, owned and maintained with taxpayer money. These spaces are open to the public on a first-come, first-serve basis, even if people come to believe that a spot in front of their house is theirs."

FINDINGS & RECOMMENDATION

As stated above, staff requires and relies on a petitioner to clearly demonstrate compliance with the required criteria. Staff's findings for the previous submittal (Racquet Club Circle only) concluded that the petition did not satisfy the necessary criteria to recommend the creation of a permit area. While the petitioner submitted an updated map, no additional information, photos or written justification has been provided. Additionally, staff has not heard from any parcel owners within the additional permit parking area. The following findings are based on the information submitted and available to staff.

A substantial portion of the proposed permit area (Racquet Club Circle) does not currently experience commuter traffic issues. This was concluded in the previous staff report. No information has been submitted to address the new area proposed (west side of Racquet Club Circle). While staff is aware that vehicles park along Racquet Club Drive, the most extensive use of on-street parking has historically been on the east side of Racquet Club Drive, which is not part of this request.

It is inconclusive whether on-street parking on the west side of Racquet Club Drive, based on the evidence provided, consists of the extent of commuter vehicle parking needed to support the request. It cannot be concluded that the vehicles are commuter vehicles either.

Staff concludes that Racquet Club Circle does not satisfy the necessary criteria to recommend creation of a permit parking area, and insufficient information has been submitted to support the creation of permit parking on Racquet Club Drive. The petitioners' intent in establishing permit parking in the circle seems to be preemptive to address potential impacts of future development nearby.

Because of these findings and based on an analysis of the entire proposed permit area, staff does not recommend approval of a permit parking program at this time.

If the City Council is concerned about on-street parking in the area affecting pedestrian safety, resident vehicles, snow removal, trash removal, etc., it is more appropriate to consider fully restricting on-street parking rather than considering permit parking at this location.

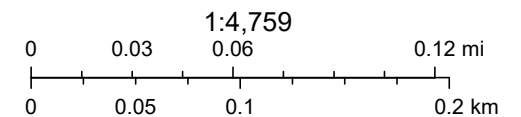
Attachments:

- Context Map of Proposed Parking Area
- Police Department Review
- Petition

permit parking racquet club



November 16, 2021



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri,

This map was created by the office of the Salt Lake County Assessor, in
The information depicted here is to be taken as an approximate fit in regards to the spatial position of the layers presented. This map is not intended to represent an actual field Survey of, nor establish the actual relation between, any of the layers depicted here.

From: [Robby Russo](#)
To: [Michael Johnson](#); [Matthew Shipp](#); [Riley Pilgrim](#)
Cc: [Tim Tingey](#)
Subject: RE: Permit Parking Petitions
Date: Monday, November 8, 2021 2:03:03 PM

Michael,

Thank you for sending the police department the two petitions for restricted permit parking within the Canyon Centre Parkway and Racquet Club Circle. Generally speaking, the police department has taken the position that an individual citizen has no "ownership" rights to a parking space on a public street, owned and maintained with tax pay money. These spaces are open to the public on a first-come, first-served basis, even if people come to believe that a spot in front of their house is theirs.

There are exceptions, of course, where the public parking creates a safety concern, using that argument the safety issues don't become moot simply because those vehicles have a city issued permit and are friends or relatives of the property owners. If that's the concern, then I'd suggest we "red curb" the entire area. The city also has existing ordinances to resolve parking issues related to mail delivery and snow removal.

There are often comparisons made to other neighborhoods in the city, but unlike the provisional permit parking at the CHRC there was ample parking across the street, and we simply redirected patrons to another reasonable area.

As indicated in previous petitions, there is some existing case law on this subject. In order to determine whether this is an equal protection question, strict scrutiny should be employed on whether a rational relationship between the classification of permit parking is necessary to the health, safety, and welfare of the community to determine whether the permit parking plans abridge fundamental personal rights and interferes with the constitutionally protected right to travel.

E. Robby Russo, Chief

From: Michael Johnson <MJohnson@ch.utah.gov>
Sent: Monday, November 8, 2021 9:42 AM
To: Robby Russo <RRusso@ch.utah.gov>; Matthew Shipp <MShipp@ch.utah.gov>; Riley Pilgrim <rpilgrim@unifiedfire.org>
Subject: Permit Parking Petitions

All:

We received two new applications to create permit parking areas, and a public hearing is scheduled for next week. One petition is for Canyon Centre Parkway and the other is for Racquet Club Circle. I'm writing staff reports for both petitions this week. Both petitions are attached.

If you have any feedback you'd like to include for the Council, please send me comments by Wednesday and I'll attach it to the staff reports.

Thanks,

Mike Johnson
Community & Economic Development Director
Cottonwood Heights
O: 801-944-7060
M: 507-250-5275

October 19, 2021

Mr. Mike Johnson, Community and Economic Development Director

City of Cottonwood Heights

2277 E Bengal Blvd CH UT 84121

Re: Parking Permit Petition

Dar Mr Johnson:

Pursuant to city ordinance 11.22 (parking permit program) the undersigned residents of the Apple Valley Subdivision, specifically Racquet Club Circle/Drive, unanimously agree and have signed the petition to request residential permit parking only, to our residences.

With the ongoing and future development of the Canyon Centre Residences, Development, Office Buildings and existing businesses, Racquet Club Drive and Circle has and will become a parking and traffic concern for the safety and well-being of the below signed residents.

At present, parking has become impossible on Racquet Club Drive and will become even further congested in the future with new residences and businesses when in full operation.

By implementing this request, we will be able to maintain our residential zoning, preserving the safety and integrity of our neighborhood.

Please let me know what additional information we can provide.

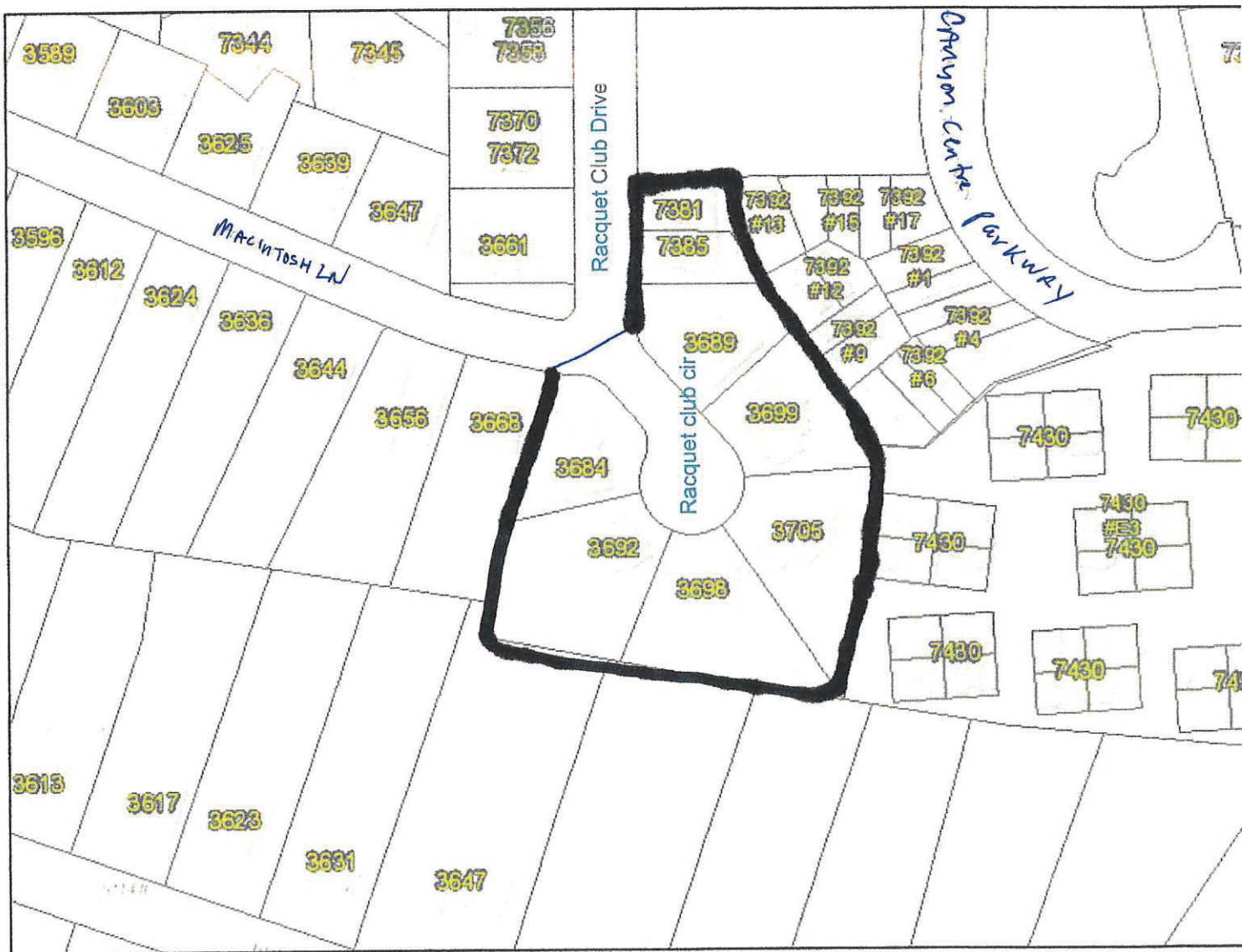
Attachments: Area map, signatures, photos.



Thank you, Jeff Chatelain 3692 E Racquet Club Circle

801-550-5388, jpc6161@msn.com

ArcGIS Web Map



10/29/2021, 8:03:52 AM

Units

Structures



Parcels

0 0.01
0 0.02

County of Salt Lake, Bureau of

JEFF CHATELAIN <jpc6161@msn.com>

10/28/2021 5:26 PM

Photo

To **phillip.thompson1@comcast.net** <phillip.thompson1@comcast.net>



Jeff Chatelain
801-550-5388

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- IMG_0036.JPG (177 KB)

